

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

NEXTGEAR CAPITAL, INC.,

Plaintiff,

v.

CNG AUTO GROUP, INC. d/b/a TOP
WHEELS; ELONTO R. HERNANDEZ COLON;
and JULISSA M. FUENTES RIVERA,

Defendants.

CIVIL NO. 15-1824 (JAG)

Breach of Contract,
Collection of Monies,
Repossession of Personal Property

**MOTION REQUESTING EXTENSION OF TIME
TO MOVE FOR ATTORNEYS' FEES AND COSTS**

TO THE HONORABLE COURT:

COMES NOW Plaintiff NextGear Capital, Inc. ("NextGear"), through the undersigned attorneys, and respectfully states and prays as follows:

1. On January 25, 2017, this Court entered Default Judgment against all three Defendants: CNG Auto Group, Inc. d/b/a Top Wheels ("Top Wheels"), and Mr. Elonto R. Hernández Colón, and Ms. Julissa M. Fuentes Rivera. (Docket No. 65)

2. Upon entering Default Judgment, the Court directed NextGear "to submit a memorandum explaining why an award of attorneys' fees and costs is appropriate, and providing adequate methods and data for its calculation" within "thirty (30) days following entry of judgment." (Docket No. 65, at p. 9) Those thirty (30) days expire today.

3. During the past month, Defendants have made no attempt to satisfy any part of the Judgment.¹ Consequently, NextGear moved for execution of judgment today. (Docket No. 66)

¹ Despite being at default, Defendants are represented by an attorney, Manuel L. Morales-Schmidt, whose belated leave to appear in this case was granted on August 15, 2016. (Docket Nos. 39-40) Thus, it can reasonably be presumed that Defendants are fully aware of the Default Judgment entered against them on January 25, 2017.

4. The accounting department of the undersigned's firm will need a few days to generate an updated report of attorneys' fees and costs that includes those accrued during this week's drafting of the Motion for Execution of Default Judgment and its accompanying proposed Order and Writ.

5. Therefore, NextGear respectfully requests an extension of time until March 6, 2017, to file its memorandum in support of an award of attorneys' fees and costs.

WHEREFORE, pursuant to Local Rule 6, NextGear respectfully requests that the Honorable Court grant an extension of time of ten (10) days, up to and including March 6, 2017, to move for attorneys' fees and costs.

RESPECTFULLY SUBMITTED.

I HEREBY CERTIFY that today this document was electronically filed with the Clerk of the Court using the CM/ECF system which shall automatically notify the parties' attorneys of record at their e-mail addresses and which, pursuant to Local Civil Rule 5(b)(2), constitutes the equivalent of service.

In San Juan, Puerto Rico, this 24th day of February, 2017.

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